

Guide to Making an Application for resource consent, certificate of compliance & other permissions

1 Introduction

These notes have been compiled to explain the process of applying for resource consent, a certificate of compliance and other permission applications. Further information on the processes can be found at the Ministry for the Environment's website www.mfe.govt.nz.

2 Consent application process

2.1 Timeframes

Under the Resource Management Act 1991 (RMA 1991), Council is required to process non-notified applications within 20 working days, limited notified applications within 100 working days where a hearing is required, and notified applications within 130 working days where a hearing is required. Limited and publicly notified applications are required to be processed within 60 working days if no hearing is required.

Council may refuse to accept, or may suspend applications that do not contain sufficient information. If an application is rejected because of lack of information it is returned to the applicant and must be re-lodged as a new application. When applications are suspended, the 'clock' is stopped and not restarted until further information has been provided.

After lodgement the first request for further information will stop the clock. Additional requests for further information requests can be made, but will not result in 'stopped' working days. The clock also stops if other resource consents are required for the project or if an applicant is attempting to obtain written approvals from affected parties.

2.2 Notification

Applications for resource consent that may have an effect on the environment that is 'more than minor', or may adversely affect someone who has not given their approval, must be notified. If Council considers that your application needs to be notified, you, or your agent will be contacted by the reporting officer processing your application, to confirm whether you wish to proceed with the application.

2.3 Submitting the application

Once your application has been delivered, either by mail or in person, it will initially be checked by a customer service staff member. This is not a technical planning check. The purpose of this check is to ensure the application form has been completed, the necessary information has been provided, and that the application meets the basic requirements for the purpose. The customer service staff member will also check if sufficient copies of the application have been supplied. If not, the application cannot be lodged, and you will be advised of the reasons why.

If the application has been received by customer service, it will be technically assessed by the resource consent team leader. This preliminary planning check is to ensure that the application satisfies the provisions of s88 of the RMA. If the application does not include an adequate assessment of effects, any other information required by the RMA or district plan or information required by regulations, we may reject the application. It is the responsibility of the applicant to provide all the details and information to enable Council to properly assess the application.

If the application is received, an advance fee/deposit will be required to be paid prior to processing commencing.

Once the application has been accepted an acknowledgement letter detailing the process and the name of the reporting planner will be sent to the address for service/correspondence stated on the application form.

3 Completing the application

The following notes relate to the sections of the application forms:

3.1 Application details

The applicant is required to provide details of who they are, with associated address and contact details. Unless Council is advised otherwise, the applicant shall be the person named on any consent or other documentation issued by Council.

It is important to specify the other aspects of your application that require consent, which may be in addition to a subdivision or land use consent. This is to ensure Council addresses all matters for which you are seeking consent. The onus is on the applicant/agent to seek all necessary consents.

Additional consents may be required, from Northland Regional Council including:

- Discharge permit (*generally for stormwater or sewerage*)
- Earthworks permit (*for site or construction works*)
- Water permit (*for taking/damming etc of water*)
- Coastal permit (*for activities in the coastal marine area*)

The description of the activity should include the:

- Activity e.g. 'house alterations' or 'subdivision of...'
- Rules infringed e.g. 'setback rule, rule 36.4.4' or 'allotment area'.

Example 1

'12.5m² bedroom addition to existing residential unit in the Coastal Countryside Environment infringing Rule 36.4.1'

Example 2

'Subdivision of a 1.3 hectare site in the Living 3 environment, into five allotments ranging between 2010m² to 2800m² which is a controlled activity overall'.

3.2 Site details

- **Property address** - is the actual physical address of the site. Please provide enough detail to allow the site to be easily identified. You may include a rapid number if one has been allocated. If there are specific arrangements that need to be made for Council staff to access the property, please note this in your application.
- **Legal description** - is usually the lot and Deposited Plan (DP) number of the land, but can also be described as an Allotment, Parish or Māori land block. You can get this information from your Council rates assessment notice or certificate of title.
- **District plan environment** - is the environment/zone shown on the district plan planning maps e.g. business 1, living 1, countryside, coastal countryside.

3.3 Ownership

The Act defines the owner as - including the owner of the fee simple of the land; and any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of land while the agreement remains in force.

The Act defines a person as including the crown, a corporation sole, and also a body of persons, whether corporate or incorporate.

The Act defines the occupier as the inhabitant occupier of any property.

Where the land is held in a family trust or other legal body, the application form will need to be signed by somebody who carries that authority from the trust or body. You will need to submit a letter of confirmation from the trust or body solicitor in this regard.

3.4 Agent

This section should only be completed if an agent is being used. The agent may be your surveyor, planning consultant, architect or other contact person. Provide the agent's name, address and other particulars. If you nominate an agent, then all correspondence pertaining to your application will be sent to them. This will include any suspension letters, invoices for amount owing to Council, any correspondence relating to the application, including development contributions. It is important that you discuss this with your agent to ensure you have established systems so that any correspondence is forwarded to you promptly. The person you nominate will remain as your agent for the duration of the project unless you notify us in writing of any change of agent.

3.5 Payer

This is the person legally responsible for all costs incurred through the processing of the application.

A signature of this person is required as evidence of acceptance of this requirement.

Please be advised that where the applicant/payer is a limited company or a limited liability company, by signing as an individual you are agreeing to be bound as principal debtor, and therefore guarantee payment of any associated processing costs, as detailed in Council's Schedule of Fees and Charges.

3.6 Application fees

Please refer to [Council's Schedule of Fees and Charges](#).

An advance fee/deposit is payable at lodgement of all applications. Actual and reasonable costs based on an hourly rate, mileage and disbursements will either be deducted from the advance fee or be charged to determine the final fee.

3.7 Address for service

You may choose where all correspondence from Council regarding this application will be sent. If it is to be the same as the agent detailed in section 4, only the box needs to be ticked. If it is different from that of the agent, it is necessary to complete the details.

4 Do I need professional advice?

Depending on the nature of the proposal, you can apply for resource consent yourself. But if you have trouble compiling the information, or need some advice on aspects of your application, there are professional people who can help. The Yellow Pages lists planning consultants under "Resource Management". Please note that recent legislative changes have resulted in more information being required than was the case previously which may result in the necessity to engage a professional.

5 Information Required

Every application for resource consent must contain sufficient information to enable Council and the general public to understand the nature of the proposal and its effects. Schedule 4 of the RMA sets out the information required in an application for resource consent. Some of the required information is provided via the application form whilst other information will need to be provided by a report. It is recommended that applicants refer to [schedule 4 of the RMA](#) prior to compiling their application.

Required information includes:

5.1 Report

All applications must include report addressing all of the information required by Schedule 4.

The following is the **minimum** information required:

- description of the proposal, including any infringement of the district planning rules
- description of the site
- which activity category is applicable for each district plan rule breached, e.g. controlled, restricted discretionary, discretionary, and non-complying and an assessment of the activity against any relevant objectives & policies and assessment criteria of the district plan.

- An assessment of the proposal against the matters set out in [Part 2 of the RMA](#) (Purpose and Principles)
- An assessment of the activity's effects on the environment (see additional information under 5.2 below)
- An assessment of the activity against any relevant National Environmental Standards (NES) or regulations. Many applications require assessment against the [NES for Assessing and Managing Contaminants in Soil to Protect Human Health](#).

5.2 Assessment of the Activity's Effects on the Environment.

The assessment of effects on the environment is an important component of all applications. The assessment should include such detail as corresponds with the activity's effects. The assessment must include

- An assessment of alternative locations or methods if significant adverse effects on the environment will occur.
- An assessment of the actual or potential effect on the environment. This must address; social, economic or cultural effects, physical effects, including landscape & visual, effects on eco-systems, effects on natural & physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural values, discharge of contaminants including unreasonable noise, any risks through natural hazards.
- Risk assessment of any hazardous substances
- A description of any mitigation measures to prevent or reduce effects
- Identification of persons affected by the proposal and details of any consultation undertaken
- Details of any proposed monitoring

Effects of non-compliance with district plan rules need to be identified and may include:

- traffic generation and parking
- shading of adjoining properties
- visual impact on other properties and public places
- effect on any land or building of historical or cultural significance
- effect on the wider community
- effect on any natural features (e.g. rivers, streams, lakes, reserves, plants, animals)
- increased risk of hazards (e.g. flooding, instability)
- noise and vibration
- storage of hazardous substances
- discharge into water, air or land
- odour (*smell*).

5.3 Certificate of title

A current copy of the certificate of title of the property where the proposed activity is to occur is required. The supplied title should be no older than six months. Copies can be obtained from your lawyer, surveyor, or directly from Land Information NZ (refer www.linz.govt.nz)

An applicant is also required to supply copies of any interests shown on the title that may be relevant to the application, such as easements, consent notice, covenants.

5.4 Building activity or site plans

Plans are required to accurately show the size, location and nature of the proposal.

The plans must be at a recognised scale (e.g. 1:100, 1:200), be true to scale, and key dimensions shown. Plans should be dated, numbered and referenced.

Plans should show (*where applicable*):

- elevations of buildings
- details of design and appearance of buildings
- car parking (*numbering, location, dimensions, manoeuvring etc*)
- hazards (*flooding, coastal hazard, instability etc*)
- all legal and proposed boundaries (*including dimensions*)
- schedule of both existing and proposed easements
- proposed amalgamation conditions and covenants
- area of each new lot, total site area
- location of any new reserves including esplanade reserves and strips
- existing buildings/structures
- location of the subdivision or development in relation to the road and access
- location of any significant/protected features e.g. bush, archaeological site
- scale, north point, level datum, contours
- date plans were drawn and reference number
- adjoining DP and lot numbers
- any proposed features such as roads, service lanes and reserves
- landscaping details
- any proposed or existing mitigation measures.

5.4 Three copies of application

Three copies of the completed application form and accompanying information must be supplied. The three copies required need to be made up of one full set of plans in colour and two copies reduced to A4 size. For larger applications a copy on a USB or CD would be useful.

5.5 Written approvals

If there are persons who may actually or potentially be affected by the proposal, written approval from them will be necessary before you lodge the application with Council if the application is to be processed on a non-notified basis. Council does not accept **conditional** approvals and does not become involved in private agreements between parties. If an affected person does not give written approval to the proposal, this may affect how the application is processed. Council will also assess if any persons are affected by the proposal. It is the responsibility of the applicant, not Council, to obtain written approvals.

Note persons may include not only owners but also occupiers, trustees, purchasers etc.

5.6 Iwi consultation

Various sections of the Resource Management Act require consideration of cultural matters.

If the subject site has known archaeological sites or is on, within, or near to sites of significance to Māori, as identified in the district plan, consultation with Iwi should be undertaken and such consultation details included within the application. If you would like guidance regarding Iwi consultation, please contact Council's iwi relations unit.

If the site is within the area identified by the Environment Court on 24 February 2004 as being within the Ngararatunua Marae area, evidence of consultation must be included in the application.

5.7 Engineering report

Where required (*particularly for subdivision*) the following minimum level of engineering detail will be necessary:

- site plan with contours/spot heights, overland flow paths, natural features, existing structures etc
- identified house, access ways and effluent disposal sites (*where applicable*)
- if the land falls within a medium/high instability zone, a geotechnical report is required
- if the land falls within a flood zone, an assessment of the effects is required
- on-site effluent disposal will require an assessment on the prescribed form
- an assessment of traffic, sight lines, roads, access ways etc (*where applicable*)
- an assessment of stormwater pre- and post-development (*where applicable*)

Depending on circumstances, more detailed engineering reports may be required

If in doubt, please contact WDC's environmental engineering division for assistance.

5.8 Ecological report

If the proposal involves bush protection, environmental benefit subdivision, management plan approach, notable or outstanding landscape areas, an ecological report is recommended to be included with the application, to allow adequate assessment of effects.

5.9 Landscape assessment

If the proposal involves potential effects on landscape values, particularly in the coastal countryside environment, or when planting is offered as mitigation, a landscape assessment should be included with the application.

5.10 National Environmental Standard for Assessing and Managing Contaminants in Soil

The NES requires an assessment of whether it is 'more likely than not' that the land the activity will take place on either, currently is, or has previously been, used for an activity that may potentially contaminate the soil. A list of those activities that are considered to contaminate the soil is called the Hazardous Activities and Industries List (HAIL). The (HAIL) list along with further information and related guides are available on The Ministry for the Environment website: www.mfe.govt.nz and Council's web page at www.wdc.govt.nz. It is important to note that you may need to undertake a search of Council's records or commission a specialist report to determine if the NES is applicable to your proposal.

6 Development contributions

Pursuant to Section 102 of the Local Government Act 2002, Whangarei District Council has prepared and adopted a development contributions policy. Under this policy, all resource consent applications will be considered. This policy allows Council to require contributions from development of infrastructure such as roads, reserves, libraries and reticulated services.

You will be advised of the calculation once a decision has been made on your application.

It is important to note that development contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a section 224(c) certificate.

Further information regarding Council's development contributions policy may be obtained from the long term community consultation plan (LTCCP) or Council's web page at www.wdc.govt.nz.

7 Lodgement meetings

The purpose of a lodgement meeting, when requested by an applicant, is to ensure all necessary information has been supplied with the application. It is also an opportunity for the applicant to discuss any planning issues that may be relevant to the proposal. It is particularly recommended that applicants with complex proposals utilise this service.

7.1 How to apply for a lodgement meeting

Please contact the resource consent administration team to request a suitable date and time for a lodgement meeting. A minimum of two days' notice is required.

Lodgement meetings are available between 8:30am to 4:30pm Monday to Friday.

7.2 Lodgement meeting charges

Time spent by staff organising and attending lodgement meetings will be charged in accordance with Council's Schedule of Fees and Charges.

8 Want to know more

Text from the district plan and any relevant plan changes can be found on Council's website www.wdc.govt.nz. Copies of all relevant forms, such as application forms and written approval forms are also available on the internet.

You could also contact customer services or the resource consent duty planner on 09 430 4200.